



Comptroller General  
of the United States

Washington, D.C. 20548

147334

## Decision

**Matter of:** AGEMA Infrared Systems

**File:** B-248389

**Date:** August 10, 1992

Philip J. Davis, Esq., and Stanley R. Soya, Esq., Wiley, Rein & Fielding, for the protester.  
Andrew C. Teich and Christopher J. Alicandro for Inframetrics, an interested party.  
Sherry Kinland Kaswell, Esq., and Justin P. Patterson, Esq., Department of the Interior, for the agency.  
Susan K. McAuliffe, Esq., Andrew T. Pogany, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

### DIGEST

Agency whose requirements must be satisfied through a mandatory multiple-award supply schedule properly issued a delivery order to a firm whose schedule contract included a product meeting agency's technical requirements.

### DECISION

AGEMA Infrared Systems protests the award of a delivery order by the Department of the Interior, Bureau of Reclamation, to Inframetrics, Inc. under its request for quotations for a thermal imaging and measurement system. The agency made the award under a mandatory General Services Administration (GSA) Federal Supply Schedule (FSS). AGEMA contends that the system offered by Inframetrics does not meet 4 of the 28 minimum performance requirements set forth in the RFQ and that the agency's award therefore was improper.

We deny the protest.

The Bureau of Reclamation requested quotations from FSS contractors to determine what equipment, if any, the contractors had available on their FSS schedules that was equivalent to the Inframetrics Model 740 thermal imaging and

measurement system, with a remote focus, LCD sunshield and transporter cart. The RFQ contained 28 minimum system performance requirements.

The agency received two quotations in response to the RFQ. AGEMA offered its Thermovision 487 system, and Inframetrics offered its Model 740 system. The Bureau's purchasing agent contacted AGEMA, which had submitted the lower priced quotation, to verify pricing and the GSA contract number for the offered system. During this conversation, AGEMA's representative informed the agency that the system it offered to meet the requirements of the RFQ was not available from that firm under its current FSS contract; the agency subsequently rejected the protester's quotation. The agency found that Inframetrics was the only firm that offered a system which was currently available under the FSS and met the minimum needs of the agency. The delivery order was issued to Inframetrics on April 6. AGEMA then protested.<sup>1</sup>

In ordering supplies from an FSS, the procuring agency is required to place orders with the schedule contractor offering the lowest delivered price for products meeting the needs of the government. Federal Acquisition Regulation (FAR) § 8.405-1. Where there is a mandatory FSS in effect, an agency generally is required to meet its requirements from that schedule if its minimum needs will be satisfied by the items listed on the schedule. See Comspec Corp., B-245561, Jan. 15, 1992, 92-1 CPD ¶ 74. The determination of the agency's minimum needs and which products on the FSS meet those needs is properly the agency's responsibility; the agency's assessment of technical acceptability, however, must have a reasonable basis. American Body Armor & Equip., Inc., B-238860, July 3, 1990, 90-2 CPD ¶ 4.

As stated above, AGEMA challenges the compliance of the Inframetrics Model 740 system with four of the RFQ's performance requirements. First, it challenges the Model 740's compliance with paragraph No. 2 of the RFQ, as amended, which requires that the "[d]etector shall not be liquid nitrogen cooled, detector shall be cooled with a closed cycle stirling or other comparable method." Inframetrics's quotation stated that its Model 740 system included a "unique closed cycle microcooler-detector module eliminating the need to cool with liquid nitrogen." The

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<sup>1</sup>In this regard, AGEMA is considered an interested party to bring this protest since if the award to Inframetrics was improper, and no other contractor could supply the system under the FSS, the protester would be a prospective offeror under any resulting competitive procurement. See 4 C.F.R. § 21.0 (1992); see generally FAR § 8.404-3.

quotation also provided that Inframetrics's closed cycle microcooler "allows operation in the long wave length region" and that it will bring the detector down to operating temperature within 5 minutes, drawing only three watts of power. We find that the agency properly considered this information and thus reasonably concluded that Inframetrics's Model 740 system met this RFQ requirement.

Second, paragraph No. 14 of the RFQ provides that "[t]he system shall have the capability of optional averaging from 1 to 16 fields of video in real time to reduce digital noise and increase sensitivity." AGEMA contends that Inframetrics's Model 740 system, as available under the FSS, does not include this capability. Inframetrics's amended FSS contract and descriptive literature provided by the firm, however, show that real time averaging is available under the FSS as an optional feature for the standard Model 740 system. Since the Model 740 system that is available from Inframetrics under its FSS contract includes the capability of optional averaging from 1 to 16 fields of video in real time, we find that AGEMA has failed to show that Inframetrics's system does not meet this requirement.

Third, AGEMA asserts that the awardee's system fails to comply with paragraph No. 15 of the RFQ, which requires that "[t]he system shall contain a 1.44mb disk drive capable of storing images and relevant calibration information for later playback and analysis." Contrary to AGEMA's assertions, the record shows that the awardee's Model 740 system contains a 1.44mb disk drive which stores images in a Tagged Image File Format (TIFF), in accordance with the terms of the RFQ. Information provided by Inframetrics shows that all relevant calibration data is stored within the file for use during playback analysis and that, contrary to the protester's allegations, measurement variables such as emissivity and background temperature can be varied during the playback process. Accordingly, we find that the record demonstrates the reasonableness of the agency's determination that Inframetrics's offered system met this performance requirement.

Finally, AGEMA challenges the Inframetrics system's compliance with paragraph No. 18d of the RFQ, requiring that "[a]n 8KHz line scan function shall be available to record high speed events in time intervals as small as 125 microseconds." Inframetrics's quotation provided that its "patented scanner design incorporates a dual galvanometer scanning mechanism which produces image fields faster than any other commercially available system." Information provided by Inframetrics shows that the Inframetrics Model 740's 8KHz "fast line scan" mode allows the system to detect high speed events in time intervals as small as 125

microseconds. We find that this supports the reasonableness of the agency's determination that the Model 740 system met this performance requirement.

In short, we find that the agency reasonably determined that Inframetrics's Model 740 system, available under the firm's current FSS contract, met the RFQ's minimum performance requirements. Accordingly, we find that the agency's acceptance of the Inframetrics system and award to the firm were reasonable. See Berntsen, Inc., B-242704, May 13, 1991, 91-1 CPD ¶ 461.

The protest is denied.

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for James F. Hinchman  
General Counsel